

**UNITED STATES DISTRICT COURT  
DISTRICT OF NEW MEXICO**

LOYDALE KIRVEN,

Plaintiff,

v.

Civ. No. 18-1204 WJ/GJF

FNU STANFILL, *et al*,

Defendants.

**ORDER REGARDING FILING FEE  
AND MOTION FOR SETTLEMENT CONFERENCE**

THIS MATTER is before the Court on Plaintiff's Motion to Proceed *In Forma Pauperis* [ECF No. 7] and Motion to Conduct Settlement Conference [ECF 8]. In the first motion, Plaintiff seeks to prosecute his Prisoner Civil Rights Complaint without prepaying the \$400 filing fee. Plaintiff's financial information reflects he is eligible for relief. The Court will therefore grant the *in forma pauperis* motion, which reduces the fee to \$350.00, and allow Plaintiff to pay in installments. See 28 U.S.C. § 1915(b)(1). Ordinarily, Plaintiff would be required to make an initial partial payment equal to "20 percent of the greater of—(A) the average monthly deposits to the prisoner's account; or (B) the average monthly balance in the prisoner's account for the 6-month period immediately preceding the filing of the complaint..." *Id.* However, because Plaintiff has no money in his inmate account, the Court will waive the initial partial payment. See 28 U.S.C. § 1915(b)(1), (2). Plaintiff is reminded that he must still make monthly payments equal to 20% of the preceding month's income credited to his inmate account. 28 U.S.C. § 1915(b)(2).

In his second motion, Plaintiff asks the Court to conduct a settlement conference. [ECF 8]. At this point, a settlement conference would be premature. Plaintiff's complaint is subject to screening under 28 U.S.C. § 1915. The Court must dismiss the Complaint *sua sponte* if it fails

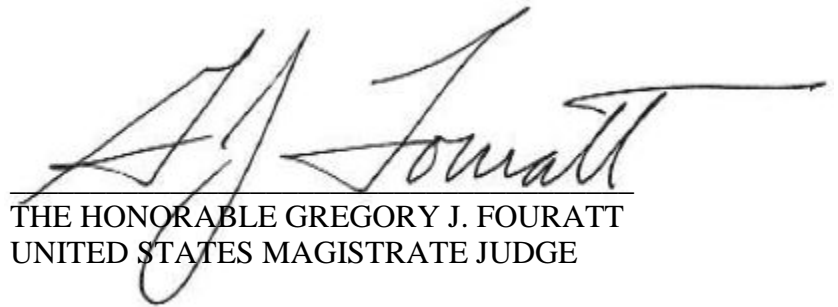
to state a cognizable claim or seeks monetary relief from a defendant who is immune. *See* 28 U.S.C. § 1915. If the complaint survives screening and/or any dispositive motions filed by Defendants, the Court will consider whether a settlement conference is appropriate.

Accordingly, it is **ORDERED** that the Motion to Conduct Settlement Conference [ECF 8] is **DENIED** without prejudice.

It is **FURTHER ORDERED** that Motion to Proceed *In Forma Pauperis* [ECF 7] is **GRANTED**; and the initial partial payment is **WAIVED**.

It is **FINALLY ORDERED** that starting July 15, 2019, Plaintiff shall make monthly payments of twenty percent (20%) of the preceding month's income credited to his inmate account.

**SO ORDERED.**



THE HONORABLE GREGORY J. FOURATT  
UNITED STATES MAGISTRATE JUDGE